

**ORDINANCE D-2137-13 (as Amended)**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA (“CITY”)  
AMENDING AND RESTATING CERTAIN CITY CODE SECTIONS RELATING TO  
BICYCLE USE WITHIN THE CITY’S CORPORATE LIMITS**

**WHEREAS**, the City has earned its designation as a “Bicycle Friendly City” by virtue of, among other things, its 5.2 mile Monon Trail Greenway and its Carmel Access Bikeway, which includes eight (8) cross-country bicycle routes and five (5) bicycle loops; and

**WHEREAS**, the City currently offers its citizens and guests over 450 miles of public roadways; and

**WHEREAS**, Indiana Code 9-21-11 provides generally that a person who operates a bicycle on a roadway has all of the rights and duties that are applicable to a person who drives a motor vehicle; and

**WHEREAS**, the City has not, to date, addressed by ordinance and with sufficient specificity either the rights and duties of those persons operating bicycles on the City’s roadways, sidewalks, multi-use paths or designated bicycle lanes or the rights and duties of persons operating motor vehicles within the City with respect to bicyclists located on City roadways or bicycle lanes;

**WHEREAS**, the Carmel City Code currently contains several Sections that pertain to bicyclists that are now in need of amendment and restatement; and

**WHEREAS**, it is in the public interest to now amend and restate such City Code Sections.

**NOW, THEREFORE, BE IT ORDAINED**, by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. Chapter 6, Article 4, Section 6-63 of the Carmel City Code should be and the same is hereby amended to read as follows:

**“Sec. 6-63 Regulation of Vehicular Use on Sidewalks, Multi-Use Paths, Bicycle Lanes, and Roadways.**

(a) *Definitions.* As used in this Section, the following terms have the following meanings:

***Bicycle Lane.*** That portion of a roadway or roadway shoulder that has been distinguished from the portion of the roadway that is to be used by motor vehicle traffic by a painted stripe, a curb, or another bicyclist traffic control marking or device.

**Bicycle.** Any foot-propelled vehicle, irrespective of the number of wheels in contact with the ground:

**Motor Vehicle.** Any vehicle that is propelled in whole or in part by a motor or any mechanical or artificial means, or is being pushed or towed by the same, except:

- a) A Bicycle;
- b) A manual or power wheelchair;
- c) An electric personal assistance mobility device that constitutes a self-balancing, two-wheeled device designed to transport one person with an electric propulsion system with an average power of 750 watts or one horsepower and that has a maximum speed of less than 20 miles per hour when operated on a paved level surface powered solely by said propulsion system and is operated by a person weighing 170 pounds;
- d) A City or Carmel-Clay Parks and Recreation owned or leased snow plow, snow blower, sweeper, lawn mower, maintenance vehicle or repair vehicle;
- e) A City or Carmel Clay Parks and Recreation owned or leased public safety vehicle;
- f) An Authorized Emergency Vehicle, as that term is defined in § 8-1;
- g) A lawn mower, sweeper, or snow removal machine weighing no more than 2,200 pounds; and
- h) Any vehicle so designated in writing by the City of Carmel Board of Public Works and Safety.

**Multi-Use Path.** An off-road public accessway intended for pedestrians, bicyclists, and other non-motorized users.

**Roadway.** All roads, streets, highways, alleys, courts, squares, or other public ways in the City that are dedicated and open to public use for Motor Vehicle traffic.

**Sidewalk.** A walkway as defined in I.C. 9-13-2-167, as the same may be amended from time to time.

- (b) ***Motor Vehicle Use Prohibited.*** No person shall, at any time, operate, drive, park, or let stand any Motor Vehicle on or along any Sidewalk, Multi-Use Path, or Bicycle Lane located within the City's corporate limits, except that Motor Vehicles are permitted to otherwise lawfully cross the same at a driveway, alley or highway as necessary to enter or exit a highway or adjacent property.
- (c) ***Duty to Yield and Signal.*** Whenever a person is riding a Bicycle upon a Multi-Use Path or Sidewalk, such person shall yield the right-of-way to any person they approach from behind and shall give an audible signal before overtaking and then safely passing such person.
- (d) ***Riding No More Than Two Abreast.*** No more than two (2) bicyclists shall ride abreast in the same direction on any Bicycle Lane, Multi-Use Path, Sidewalk or Roadway located within the City's corporate limits.
- (e) ***Animals Leashed.*** Any person who takes a dog or other domestic animal on any Multi-Use Path located within the City's corporate limits shall continuously restrain the same by means of a firmly held or attached leash that is extended to a length not to exceed six (6) feet.
- (f) ***Bicyclists to Obey Laws.*** The operator of any Bicycle located within the City's corporation limits shall obey all traffic signals, traffic control devices, signs, and markings upon any Roadway, Bicycle Lane, Sidewalk, or Multi-Use Path unless otherwise directed by a police officer.
- (g) ***Child Bicyclists.*** It shall be unlawful for a child under seven (7) years of age, as well as for the parent, legal guardian, or custodian of the same to suffer or permit such a child, to operate a Bicycle in a Roadway in the City while such Roadway is open and used by Motor Vehicle traffic, except that any child can cross a Roadway on a Bicycle in a direct, expedient, and prompt manner when accompanied by his or her parent, legal guardian, or custodian, and that any child may operate a Bicycle upon a Sidewalk or Multi-Use Path subject to the restrictions in this Section.
- (h) ***Right of Way.*** Pedestrians have the right of way while on any Multi-Use Path or Sidewalk located within the City's corporate limits, and all others must yield or adjust their rate and direction of travel to avoid a collision with any and all such pedestrians. However, pedestrians must yield to vehicular traffic at those points where the trail intersects or crosses a Roadway.

- (i) It shall be unlawful for any person to use a Bicycle to deliberately block or close a Roadway intersection so as to facilitate the passage of other bicyclists through the intersection without stopping, yielding to other traffic, or in contravention of the traffic signals, traffic control devices, signs, posted speed limits, or markings upon a Roadway, Bicycle Lane, Sidewalk, or Multi-Use Path.
- (j) ***Monon Greenway Speed Limits.*** No vehicle on which one or more persons and/or property is or may be transported or drawn, whether motorized or propelled by human power, the wind, or in any other manner, may operate or travel in excess of 20 m.p.h. on or along the Monon Greenway, or at such lesser speed as is reasonable and prudent under the conditions then present, except that no such vehicle may operate or travel in excess of 15 m.p.h., or at such lesser speed as is reasonable and prudent under the conditions then present, on or along the Monon Greenway from and including its intersection with 111<sup>th</sup> Street to and including its intersection with 136<sup>th</sup> Street, and provided that such speed limitations shall not apply to public police, fire, health, and safety vehicles.
- (k) ***Penalties.*** Any person violating this Section shall be subject to a fine of Ten Dollars (\$10.00), for the first such offense, a fine of Twenty Five Dollars (\$25.00), for the second offense, and a fine of One Hundred Dollars (\$100.00), plus costs, for all subsequent offenses. This does not limit the authority of the court to impose additional penalties as permitted by law for moving violations, including suspension of driving privileges and mandating the violator attend and complete a defensive driving class. First and second offense violations of this Section may be filed with the City Court Ordinance Violations Bureau.
- (l) ***Business Entity Violations.*** In instances where a person violates this Section while acting as an employee or agent of a business entity, such violation shall be counted against the business entity for purposes of imposing increased fines for subsequent section violations. In this regard, the second violation of this Section by an employee or agent of a business entity that occurs while that employee or agent is acting on behalf of said business entity shall result in an increased fine, even if a different employee or agent of the same business entity committed the first violation of this Section.

Section 3. Chapter 8, Article 4, Section 8-29 of the Carmel City Code should be and the same is hereby amended to read as follows:

**“Sec. 8-29 One-Way Streets and Alleys.**

**(d) *Emerging From Alleys or Driveways***

Any person operating a bicycle and emerging from any alley, driveway, or building located within the City’s corporate limits shall, upon approaching any abutting sidewalk, yield the right-of-way to any pedestrians approaching on such sidewalk, and shall, upon entering any roadway abutting such alley, driveway, or building, yield the right-of-way to all vehicles then approaching on such roadway.”

Section 4. Chapter 8, Article 4, of the Carmel City Code should be and the same is hereby amended by the addition of Sections 8-40 and 8-41 thereto, which shall read as follows:

**“Sec. 8-40 Operation of Motor Vehicles and Bicycles In Roadways and Bicycle Lanes.**

**(a) *Definitions.***

***Bicycle Lane.*** That portion of a Roadway or Roadway shoulder that has been distinguished from the portion of the Roadway that is to be used by Motor Vehicle traffic by a painted stripe, a curb, or another bicyclist traffic control marking or device.

***Bicycle.*** Any foot-propelled vehicle, irrespective of the number of wheels in contact with the ground:

***Motor Vehicle.*** Any vehicle that is propelled in whole or in part by a motor or any mechanical or artificial means, or is being pushed or towed by the same, except:

- 1) A Bicycle;
- 2) A manual or power wheelchair;
- 3) An electric personal assistance mobility device that constitutes a self-balancing, two-wheeled device designed to transport one person with an electric propulsion system with an average power of 750 watts or one horsepower and that has a maximum speed of less than 20 miles per hour when operated on a paved level surface powered solely by said propulsion system and is operated by a person weighing 170 pounds;

- 4) A City or Carmel-Clay Parks and Recreation owned or leased snow plow, snow blower, sweeper, lawn mower, maintenance vehicle or repair vehicle;
- 5) A City or Carmel-Clay Parks and Recreation owned or leased public safety vehicle;
- 6) An Authorized Emergency Vehicle, as that term is defined in City Code Section 8-1;
- 7) A lawn mower, sweeper, or snow removal machine weighing no more than 2,200 pounds; and
- 8) Any vehicle so designated in writing by the City of Carmel Board of Public Works and Safety.

**Roadway.** All roads, streets, highways, alleys, courts, squares, or other public ways in the City that are dedicated and open to public use for Motor Vehicle traffic.

- (b) ***Drivers to exercise due care.*** The driver of any Motor Vehicle operating on any Roadway located within the City's corporate limits shall exercise due care to avoid colliding with any person then operating a Bicycle upon such Roadway, and shall, as necessary, give warning by the sounding of a horn and by exercising such other precautions as are necessary to avoid a Motor Vehicle and Bicycle collision.
- (c) ***Turning right in front of a Bicycle.*** When a Motor Vehicle and a Bicycle are traveling in the same direction on or along any Roadway located within the City's corporate limits, the operator of the Motor Vehicle overtaking such Bicycle shall not turn to the right in front of the Bicycle until the Motor Vehicle is safely ahead and clear of the Bicycle so as not to strike it or impede the Bicycle's forward progress.
- (d) ***Turning left in front of a Bicycle.*** The driver of a Motor Vehicle operating within the City's corporate limits shall, when entering an intersection with the intention of turning left therein, yield the right-of-way to a Bicycle then approaching the intersection from the opposite direction whenever a failure to do so would cause the approaching Bicycle to strike the Motor Vehicle or to engage in evasive actions that impede the Bicycle's forward progress in order to avoid such a collision.
- (e) ***Passing of Bicycles.*** The driver of any Motor Vehicle operating within the City's corporate limits, whenever passing a Bicycle then proceeding in the same direction on any Roadway, shall maintain at all times a distance of not less than three (3) feet from said Bicycle during the entire passing maneuver.

(f) ***Boarding or exiting from vehicles.*** No person shall open or leave open the door of any Motor Vehicle standing or stopped on or along any Roadway located within the City's corporate limits in any manner that interferes with or impedes the forward progress of any Motor Vehicle or Bicycle then present in and on said Roadway.

(g) ***Operation of Bicycles on a Roadway or Bicycle Lane.***

- (1) No person operating a Bicycle on a Roadway or Bicycle Lane shall ride other than upon the permanent and regular seat attached thereto, carry any other person upon such Bicycle otherwise than upon a firmly attached and regular seat thereon.
- (2) No person operating a Bicycle on a Roadway or Bicycle Lane shall carry any package, bundle, or article which prevents him or her from keeping both hands upon the handlebars.
- (3) No person shall operate a Bicycle on a Roadway or Bicycle Lane from one-half hour after sunset until one-half hour before sunrise unless the Bicycle is equipped with a light on the front of the Bicycle exhibiting a white light visible from at least Five Hundred (500) feet to the front and a light or reflector on the rear visible from at least Five Hundred (500) feet to the rear.
- (4) The operator of any Bicycle on a Roadway or Bicycle Lane shall signal his/her intent to turn, stop, or decrease speed by giving the hand/arm signals required by State law.
- (5) The operator of any Bicycle on a Roadway or Bicycle Lane shall obey all posted stop and/or yield signs.

**Sec. 8-41 Operation Of Motor Vehicles In Roadways With Bicycle Lanes.**

(a) ***Definitions.***

***Bicycle Lane.*** That portion of a Roadway or Roadway shoulder that has been distinguished from the portion of the Roadway that is to be used by Motor Vehicle traffic by a painted stripe, a curb, or another bicyclist traffic control marking or device. In any action brought to enforce the provisions of this Section, the City shall have the burden of proof that a Bicycle Lane has been clearly demarcated and properly signed.

**Bicycle.** Any foot-propelled vehicle, irrespective of the number of wheels in contact with the ground:

**Motor Vehicle.** Any vehicle that is propelled in whole or in part by a motor or any mechanical or artificial means, or is being pushed or towed by the same, except:

- 1) A Bicycle;
- 2) A manual or power wheelchair;
- 3) An electric personal assistance mobility device that constitutes a self-balancing, two-wheeled device designed to transport one person with an electric propulsion system with an average power of 750 watts or one horsepower and that has a maximum speed of less than 20 miles per hour when operated on a paved level surface powered solely by said propulsion system and is operated by a person weighing 170 pounds;
- 5) A City or Carmel-Clay Parks and Recreation owned or leased snow plow, snow blower, sweeper, lawn mower, maintenance vehicle or repair vehicle;
- 5) A City or Carmel-Clay Parks and Recreation owned or leased public safety vehicle;
- 6) An Authorized Emergency Vehicle, as that term is defined in City Code Section 8-1;
- 7) A lawn mower, sweeper, or snow removal machine weighing no more than 2,200 pounds; and
- 8) Any vehicle so designated in writing by the City of Carmel Board of Public Works and Safety.

**Roadway.** All roads, streets, highways, alleys, courts, squares, or other public ways in the City that are dedicated and open to public use for Motor Vehicle traffic.

- (b) **Operating on Roadways that Contain a Bicycle Lane.** The driver of any Motor Vehicle then operating within the City's corporate limits shall, when traveling on a Roadway that contains a designated Bicycle Lane, yield the right-of-way to all persons then operating Bicycles on and within said Bicycle Lane.

- (c) ***Turning on Roadways with Bicycle Lanes.*** The driver of any Motor Vehicle operating within the City's corporate limits shall, when traveling on a Roadway that contains a designated Bicycle Lane, enter the Bicycle Lane to make a right turn only after yielding to all persons then operating a Bicycle on and within said Bicycle Lane and only when doing so will not cause any Bicyclist to collide with the Motor Vehicle or to take evasive actions that impede the Bicycle's forward progress in order to avoid such a collision.
- (d) ***Driving on Bicycle Lanes.*** No driver of any Motor Vehicle operating within the City's corporate limits shall drive and or park said Motor Vehicle in, on, or upon any designated Bicycle Lane or otherwise impede any Bicycle then operating on and within said Bicycle Lane except when safely entering or exiting a legal parking space and then only after yielding to all persons then operating a Bicycle on or within said Bicycle Lane and when doing so will not cause any Bicyclist to collide with the Motor Vehicle or to take evasive actions that impede its forward progress in order to avoid such a collision.

8-42 through 8-44 Reserved for Future Use.”

Section 5. Chapter 8, Article 5, Section 8-46 of the Carmel City Code should be and the same is hereby amended **to add the following subsections** and shall read as follows:

Sec. 8-46 General Parking Restrictions.

“(d) ***Vehicle Stopping, Standing or Parking.*** Except as directed by a law enforcement officer or as reasonably necessary to avoid striking another vehicle or person, no vehicle shall stop, stand, or park on or across any portion of any sidewalk, multi-use path, bicycle lane, or other public roadway or thoroughfare located in the City's corporate limits so as to obstruct other vehicles or pedestrians from free and safe passage thereon, nor upon any portion of a public roadway designated by signage and/or pavement marking for the shared use of motor vehicles and bicycles in such a manner as to impede any bicycles then using such roadway.

(e) ***Bicycle Parking.***

- (1) No person shall park any bicycle upon the traveled portion of any public street, multi-use path, or bicycle lane.
- (2) A bicycle located on any sidewalk within the City's corporate limits shall be parked only in a rack provided to support the bicycle, against a building, or in such other manner as not to impede pedestrian traffic thereon.”

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Ordinance D-2137-13, as Amended - Version A 10-16-13 – Parks, Recreation and Arts Committee

This Ordinance was originally prepared by Douglas C. Haney, Carmel City Attorney, on October 17, 2013 at 3:04 p.m. It may have been subsequently revised. However, no subsequent version to this Ordinance has been reviewed by Mr. Haney for legal sufficiency or otherwise.

Section 6. The remaining provisions of Carmel City Code Sections 6-63, 8-29, 8-40, 8-41 and 8-46, shall remain in full force and effect.

Section 7. The Street Department is directed to promptly install appropriate signage consistent with this Ordinance.

Section 8. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed, to the extent of such inconsistency only, as of the effective date of this Ordinance. However, the repeal or amendment by this Ordinance of any other ordinance does not affect any rights or liabilities accrued, penalties incurred or proceedings begun prior to the effective date of this Ordinance. Those rights, liabilities and proceedings are continued and penalties shall be imposed and enforced under such repealed or amended ordinance as if this Ordinance had not been adopted.

Section 9. If any portion of this Ordinance is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of same can be given the same effect.

Section 10. This Ordinance does not affect, alter, or replace any applicable laws of the State of Indiana or otherwise that affect or relate to the subject matter hereof.

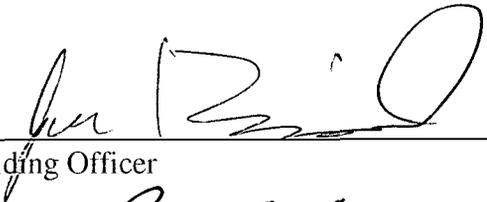
Section 11. This Ordinance shall be in full force and effect from and after the date of its passage, execution by the Mayor, and publication as required by law.

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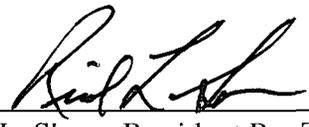
SPONSOR(S): Councilor Carter  
November 8<sup>th</sup>  
October

PASSED by the Common Council of the City of Carmel, Indiana, this 4<sup>th</sup> day of October, 2013, by a vote of 7 ayes and 0 nays.

COMMON COUNCIL FOR THE CITY OF CARMEL

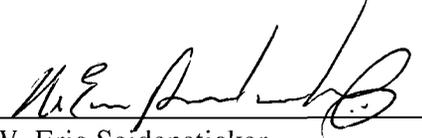
  
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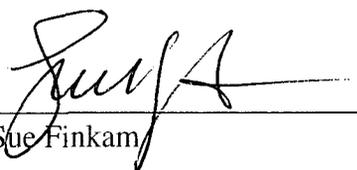
  
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Richard L. Sharp, President Pro Tempore

  
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Luci Snyder

ATTEST:

  
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Diana L. Cordray, IAMC, Clerk-Treasurer

This Ordinance was originally prepared by Douglas C. Haney, Carmel City Attorney, on October 17, 2013 at 3:04 p.m. It may have been subsequently revised. However, no subsequent version to this Ordinance has been reviewed by Mr. Haney for legal sufficiency or otherwise.

Presented by me to the Mayor of the City of Carmel, Indiana this 5<sup>th</sup> day of November, 2013, at 1:05 P.M.

  
\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, the Mayor of the City of Carmel, Indiana, this 5<sup>th</sup> day of November, 2013, at 4:00 P.M.

  
\_\_\_\_\_  
James Brainard, Mayor

ATTEST:

  
\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

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